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THE LEAGUE TO ENFORCE PEACE—A REPLY TO CRITICS

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The League to Enforce Peace welcomes criticism; its sponsors feel that criticism will only serve to bring out the strength of its case.

Yes, the platform lacks details and elaboration. It does not lack definition. Nor has there been lack of study and public discussion of its possible workings. We have got to overcome the initial difficulty of getting the powers to agree to any plan. Therefore the simplicity of this one. It is felt that if the nations can be gotten to subscribe to its fundamental principles, the envoys charged with the duty of perfecting the plan will be equal to all questions of detail, program or organization. The plan contemplates "not a league of some states against others, but a union of as many as possible in their common interest."

The central idea of the League is that wars are the result of the condition of international anarchy out of which the world has never yet risen, that they will not cease until justice prevails and that justice cannot triumph until the world organizes for justice. We find within the modern state certain institutions such as legislature, courts, and executive, which aim to prevent strife among men and to promote the general welfare by promoting legal and social justice and by enlarging opportunity. This system was applied to the states, originally sovereign entities, composing the American union. Entering the Union involved a certain surrender of sovereignty and independence and a sacrifice of the principle of equality in the unequal representation in the lower house of the federal legislature. The interests of the states, economic and other, had often clashed and resort to arms between them had not been unknown. Because of this fact some of them were slow to consent to the plan. But the workings of the Continental government, crude as it was, convinced men that in this direction lay progress, in this direction light for the world; and, though with

hesitation and misgivings on the part of some, all finally took the step. Once only in a century and a quarter has the peace between them been disturbed. True, the South was forced to abandon the institution of slavery, and lack of protective duties against the cheaper agricultural products of the West caused farms to be abandoned in New York and New England. But individuals moved freely from one section to another. There was no suppression of local aspirations and ideals. On the whole the welfare of each made for the welfare of all. And today the benefits of the Union are unquestioned. We naturally ask ourselves why the same organization which brings justice and peace and orderly progress within the nation may not be applied with equal success between the nations. Far from representing a confusion of ideas it is the essence of logic. The question is: how far can we attempt to go in the direction of such organization at present? On this question the League to Enforce Peace occupies a middle ground. And because of this fact it faces criticism by two opposing groups. One maintains that we go too far, the other that we do not go far enough.

Men who previous to the present war were opposed to the introduction of the element of force in international institutions have now come to regard it as essential.

The principal declared purpose of the League to Enforce Peace is to make war, immediate and certain war, upon any nation which goes to war without a previous hearing of the dispute. A Council of Conciliation will entertain disputes arising out of a clash of political interests. Incidentally a true international court of justice is to be set up to entertain justiciable questions, and there are to be conferences from time to time to formulate and codify international law. In the measure in which nations are estopped from fighting, the growth of law will be stimulated and resort to international tribunals become more frequent. These latter happy results in their turn will diminish resort to arms. But it is manifestly not justiciable questions, nor even the nebulous state of international law, which, by and large, brings war. War arises principally out of conflicts of policy. To deal with these successfully is the immediate problem before the world. The demand for a hearing of the dispute once complied with, nations, members of the League, are then free to go to war as under present conditions. That is to

say, the League as such stops short of enforcing the judgment or award. In fact, it is a question whether the Council of Conciliation, unless requested to do so, will proceed to an award at all; though it must be remembered that nations submitting a dispute to any tribunal may, and often will, enter into an agreement beforehand to respect the decision.

The failure to enforce the judgment or award is a source of objection to the League's program on the part of men whose opinion is entitled to respect, among them Charles W. Eliot. Their criticism is that, unless the verdict be enforced, many wars will still take place, and that, if a nation may be called upon to defend its position by force of arms after a hearing has been had, armaments must be maintained. Both of these criticisms the League admits to be valid. The check upon war would be much more effective if the nations could be persuaded to accept a plan providing not only for compulsory investigation, but for an award, and finally for a sanction which would insure the execution of the award. But the 'desirable' is not always the 'realizable.' It is felt that, although in the interest of world peace they ought to be willing to give and take, as a matter of fact the Great Powers would not enter into an agreement to submit all disputes to a tribunal if they were bound to carry out the award. Great Britain, for example, might have the question of Gibraltar or Egypt, or a sphere of influence, brought up; Japan the question of Korea or her activities in China; The United States the Monroe Doctrine or the question of Oriental immigration. To be realizable—*i.e.*, something which governments at the present stage of world feeling and enlightenment are likely to adopt—the plan must, therefore, omit the feature of executing the award.

Under existing practices when two nations enter an arbitration they do so voluntarily. The nature of the question to be decided is defined in the preliminary agreement and they know beforehand the worst that can befall them. When at present, therefore, they consent to arbitrate a question they do it in the full expectation of abiding by the result. To go further and enter into general treaties in pairs looking to the settlement of future disputes is still a very different matter from entering into a common treaty with a large group of nations. In the former case each nation knows pretty well the antecedents, policy and interests of the contracting party.

In the latter, that fact is much more complicated. The United States, for example, would be willing to go much further in a treaty with Great Britain than in a treaty with the Balkan States or Turkey. There still remain in the plan two steps which constitute an advance over existing practice, namely (a) the obligation of the signatories binding themselves to use the tribunals they may set up; (b) the use of force to compel them to do so if recalcitrant.

Now why do we base such high hopes on a mere hearing? Because experience, municipal and international, points to its great value in warding off actual strife. In the state of Massachusetts there has long existed a provision for compulsory investigation of labor disputes in the quasi-public services. The power to summon witnesses and lay bare the facts of the dispute, without proceeding to a judgment, has prevented labor war in these services. In Canada we witness the successful working of the Dominion Law covering similar disputes and properly extended to coal-mining, the stoppage of which vitally touches the public interest. In the international field there is the Dogger Bank affair, referred successfully to the International Commission of Inquiry set up by the First Hague Conference.

Such a League as is proposed would necessarily have an Executive Council or Directorate, sitting at the capital of some small country, and charged, amongst other duties, with one certain duty of overwhelming importance, namely, that of declaring war in the name of the League on any nation which went to war without a preliminary hearing of the dispute or an earnest attempt to secure one. And this is the one sole cause for war by the League. There is no other.

War on land cannot well be made without invading the territory of the enemy. It will be remembered that at the beginning of the present war France retired her forces a certain number of kilometres within her own borders. If some such rule as this were set up, the locus of the first battle, a geographical fact, could be easily determined, and there would remain no doubt as to who the offender was. No provocation, whether by threat, either of word or of preparation, nor even an alleged act of injustice, would be accepted as an excuse. There would be no conference of the powers to deliberate as to what action, if any, should be taken, to raise in the breast of the would-be aggressor the hope that dissension among the

powers might lead to the customary inaction. The Executive Council would be in being, charged with one supreme and certain duty, to make war upon the offender. That duty to declare war in the name of the League is a heavy responsibility, and therefore the fact on which the Executive Council is asked to act should be an easily ascertainable fact. Warlike preparation is not an easily ascertainable fact, nor is that of unjust acts. Both are facts most difficult to ascertain, and therefore are to be neither a ground for the declaration of war by the League nor an excuse for war by the nation offending against the provisions of the League.

The constitutional power of the United States to enter into such a compact already exists. Mr. Taft has pointed to its exercise in connection with the treaties guaranteeing the integrity of Cuba and Panama. They carry the obligation to use force if necessary. When the contingency contemplated by the treaties arises, Congress, which alone has the power to declare war, would be called upon to fulfil the treaty obligations. The country was justified in taking this risk because the treaties make for the security of Cuba and Panama and so for peace.

Our critics, pointing out that conciliation is a voluntary process, assert that to force conciliation is a contradiction in terms. They set up their own straw man and then proceed to knock him down. The League does not force conciliation. It simply forces a hearing, leaving the parties free to accept or reject the finding. Under the League, nations are prevented from going to war to get what they suppose to be their rights until, by means of a hearing, not only the outside world but—that which is of high importance—their own people have the facts of the dispute spread before them. They are not prevented from indulging in that costly pastime if, after a hearing, they still hold to the opinion that they are being wronged.

In the meantime, pending the hearing, each disputant is enjoined by the League, under penalty of war, from continuing the objectionable practice or proceeding with the objectionable project.

The judicial tribunal which the League aims to create will be a true World Court with permanent judges, and the assembly an embryo World Parliament to meet periodically. The Court, while set up by the League, will be open to any nation electing to use it. And there is no reason why the Parliament, though convened and

prorogued by the League, may not be composed of representatives of all nations, a true development of the Hague Conferences and the Interparliamentary Union. If now, the League should fail of its main object and melt away, these institutions should remain, a valuable legacy to the world. Far from running counter to the promising current of arbitration, the project therefore is moving with it. It is not blocking it.

By far the weightiest argument against the League is the entangling alliance argument. Of this it should be said that when avoidance of such alliances was enjoined by Washington we were a small country highly vulnerable because of our comparative weakness. Who shall say the same of us today? A people of one hundred million, with untold wealth, so placed geographically as to be practically unconquerable by any single power or likely combination of powers! The dominant trait in Washington was his sense of duty. Were he alive today would he not recognize the obligation of his country to fulfil a duty to the society of nations instead of taking advantage of its fortunate geographical position to shirk that duty? He saw what coöperation meant for the colonies. Would his vision be less clear in sensing the great need of our day, the overwhelming importance of international organization to take the place of international anarchy? America may on the surface appear a selfish nation but she has been stirred to her depth by ethical movements in the past and may be counted upon to rouse herself in similar fashion again. An appeal in a high cause involving sacrifice, even hardship and suffering, would go further today than is dreamed of by the high priests of gain and ease and security. Thousands of Americans who have not shut their eyes and ears to the sights and sounds of this awful day are ready for some attempt to destroy the monster, war, and ready to have their country play its part as the mother of men.

A people wedded to justice will not be afraid to assume its share of responsibility in a league of nations in order to lighten the curse of war in the world even though it involves risks. For the principal objection to war is that it is such a wholesale source of injustice, public and private.

We teach our children not to mind so much what is done to them but to mind very much what is done to others; to be slow to resent little offenses and slights, and even injuries they themselves

suffer; but to be ready at all times to act when some one else is being persecuted or injured. We teach them, too, that the only fear any one should have is the fear of doing wrong. Has not the day arrived when these should likewise be substantially the standards of conduct for nations? I say 'substantially' because the standards of private conduct are modified for nations by the fact that the nation is a trustee of the interests of its people and of its special form of civilization, including the political principles which it represents.

In most civilized countries, the day is past when a principal obligation of the individual is to insist on his rights. It is the side of duty, rather than rights, which is emphasized today; and the new order of international society toward which the nations are moving will do the same.

I feel strongly that the present evil of recurring war is due largely to the selfish motives which have dominated the policies of all nations in the past. The United States probably has been governed by them less than other countries but even its attitude leaves much to be desired. A better day cannot dawn until it is realized that in *general the future interest of a nation will be found to lie in the direction of a present duty to the society of nations*. The fact that Europe permitted the crime of 1870 made possible the crime of 1914. The tragedy we are now witnessing holds within it the seeds of untold future disaster for all of us. And unless the neutral world realizes the significance of it, unless it acts now as if the society of nations were already in existence and assumes its full share of responsibility for the triumph of the right, the seed will bring its harvest.

Has not the time come when this great country should stand for the right, should strike for the right when necessary, and should help organize the world for right? And how much less frequent the need of striking at all when such absolute and potential power as a League of all the great nations will represent shall be back of the right!

Until we have such organization no country can be really free. Plato has defined the free man as he who has sufficient control over his appetites to be governed by reason in choosing between good and evil. What nation today is free to choose between good and evil? How few the nations that would not lay down the

burden of armaments if they felt themselves free to do so! Within the state true liberty is secured only by a surrender of license; that is, by self denial and by a measure of restraint imposed upon each by all. Society implies restraint; self restraint and restraint from without. In the society of nations there can be no true liberty without surrender, in some measure, of sovereignty and independence. It is the duty of the United States to help in organizing the world for justice because it is only through justice that peace can be secured. A selfish policy which leaves a government apathetic to a universal woe and causes it to act only when its own rights are trespassed upon cannot produce peace. There must be coöperation with other nations in the cause of justice. Thus much for sacrifice if sacrifice be called for.

But, while ready for it if need be, we cannot admit that the plan of the League to Enforce Peace would actually involve the United States in wars. The League would not be instituted unless it embraced all or nearly all of the great nations. Its military power would thus be overwhelmingly preponderant. Now, what is the dominant demand of the League? A hearing of the dispute before going to war! Could any demand be more reasonable, more just? We are charged with planning an oligarchy implying oppression. If we sought to enforce the award of a tribunal in disputes involving conflicts of political policy there would really be danger of oppression. To avoid this we should then demand that the League embrace not only all or nearly all the great nations but the smaller progressive nations as well, so that out of their united action substantial justice might emerge. But what injustice, what oppression, can arise from a demand for a hearing which leaves the disputant free to go to war afterwards? And is there any nation, however powerful, which would refuse this reasonable demand if faced, as it would be, with the alternative of having to wage war against practically the civilized world?

The French Ambassador at Rome reports San Giuliano's view, July 27, 1914: "Germany at this moment attaches great importance to her relations with London and he believes that if any power can determine Berlin in favor of peaceful action it is England." Two days earlier, July 25, Sazonof had asked that England place herself clearly on the side of Russia and France. Such an act on the part of the British Cabinet was not possible because, until

Belgium was invaded, it was doubtful whether the people of the British Isles would support the government in a hostile attitude toward the Central Powers. But the opinion is general today that if Germany had known with certainty that England would line up against her, she would not have declared war. Under the plan of the League Germany would have known that she would have not only England to reckon with but Italy and the United States and the A. B. C. countries of South America, not to mention minor members of the League. Now is it reasonable to suppose that facing such a possibility she would have denied Sir Edward Grey's demand for a conference over the dispute?

The only loss a nation could suffer by a hearing would be that of being deprived of the advantage of superior preparedness. And is not that one of the very advantages we want to take away from nations in the general interest? Nations bent on aggression would go through the form of a hearing and proceed with their designs afterwards. There would, therefore, still be wars. But it is inconceivable that the League as such would ever be called upon to wage war under the terms of the compact. It is possible that after a hearing the nations may still regard a threatened war as so unjust or so dangerous to the world at large that they will come together anyway and say: "this may not be." But *that* they may do now.

Objection is made that the League plan calls for coöperation with monarchies. In many constitutional monarchies such as those of Italy, Holland, the Scandanavian countries, etc., the people practically enjoy self-government. France and Switzerland are republics, and England is a true democracy despite its monarchical form of government. Drawing our love of liberty originally from England, we paid back the debt by the example of the successful practice of a broad democracy. We thus encouraged its growth not only in the mother country but generally throughout the world. Social democracy, which is opportunity to rise in life and is largely the result of economic conditions, is greater in all new countries than in the countries of the old world. It is greater in Canada, Australia, New Zealand and the United States than in England. But when we come to political democracy, which is the opportunity for the will of the people to express itself in law, there is more of that in England than in the United States. If one knows what

the will of the English people is he can pretty well gauge the action of the English Parliament. Is the same true here? Old age and disability pensions every justice loving man of the United States would like to see established here. Have we got them? If it be the fault of federal or state constitutions does this alter the fact?